REMARKS

Claims 1-25 are pending in this case. Claims 26-63 are canceled herein pursuant to the earlier restriction requirement. This Amendment is submitted in response to the October 4, 2004, Office action. Claim 1 is an independent claim, and claims 2-25 directly or indirectly depend from claim 1.

I. 35 U.S.C. § 102(e) rejection of claims 1-25 under Kash et al.

Claims 1-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,496,022 to Kash et al. It is respectfully submitted that Kash does not anticipate original claim 1 or claim 1 as amended herein. Kash involves a reverse engineering system that matches sampled patterns of optical emissions from an integrated circuit ("IC") to profiles of functional element emissions stored in a database. By matching the actual emissions with the profile, Kash is able to identify functional elements of an IC. See Kash, Col. 4, lines 12-20. Kash does not involve identifying expected optical emissions sources of an IC by processing IC CAD layer information from the IC. As such, Kash does not anticipate claim 1. Further, as claims 2-25 depend from and include all limitations of claim 1, Kash does not anticipate claims 2-25.

II. 35 U.S.C. § 102(e) rejection of claims 1-4, 6, 11-25 under Harrison et al.

Claims 1-4, 6, and 11-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,521,479 to Harrison et al. It is respectfully submitted that Harrison does not anticipate original claim 1 or claim 1 as amended herein. Harrison involves precision thinning and polishing of ICs in preparation for failure analysis using a variety of techniques. See Harrison, col. 3, line 64-col. 4, line 8. Harrison briefly mentions PICA (picosecond imaging circuit analysis) in the background section. See Harrison col. 3, lines 25-37. Harrison does not discuss or involve identifying expected optical emissions sources of an IC by processing IC CAD layer information from the IC. As such, Harrison does not anticipate claim 1. Further, as claims 2-4, 6, and 11-25 depend from and include all limitations of claim 1, Kash does not anticipate claims 2-4, 6, and 11-25.

III. 35 U.S.C. § 102(e) rejection of claims 1 under Cotton et al.

Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,621,275 to Cotton et al. It is respectfully submitted that Cotton does not anticipate original

claim 1 or claim 1 as amended herein. Cotton discloses the manual use of CAD navigation software that allows a user to select a particular device for an emission test. See Cotton, col. 7, lines 9-25. Claim 1 is amended herein to clarify that processing a layer of the CAD database identifies an expected location of a photon emission source. It is respectfully submitted that manual use of CAD navigation software taught by Cotton does not anticipate processing a CAD layer of a CAD database to identify at least one expected photon emission source. As such, Cotton does not anticipate amended claim 1. Support for the amendment to claim 1 can be found generally from pages 40 – 47, and particularly at page 40, lines 15-26. The amendment to claim 1 is meant to clarify the original scope of claim 1, and is not a narrowing of the original scope of claim 1

IV. Conclusion

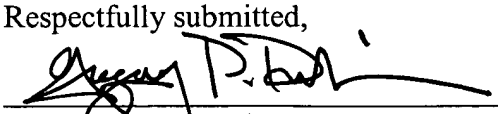
For the reasons set forth above, it is respectfully submitted that claim 1 is not anticipated by Kash, Harrison, or Cotton. Further, for the reasons set forth above, it is respectfully submitted that dependent claims 2-25 are not anticipated by Kash, Harrison, or Cotton. As such, claims 1-25 are allowable over Kash, Harrison, and Cotton, and such indication is requested.

The Office action has a mailing date of October 10, 2004, and sets a three month shortened period for reply making this response due on or before February 4, 2005, with a petition and fee for a one month extension of time to reply. Accordingly, this Amendment and Response is submitted with a petition for a one month extension of time to reply and the associated petition fee of $120.00. No additional fees are believed to be required at this time. However, if any additional application processing fees are required, the Examiner is hereby authorized to charge deposit account number 04-1415.

Should the Examiner have any questions regarding the above, the Assignee requests that he contact the undersigned at the number listed below.

Dated: February 2, 2005

Respectfully submitted,



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